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*Attorneys for Plaintiff,*  
Marcus Grayson

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**MARCUS GRAYSON, on behalf  
of himself and all others similarly  
situated,**

Plaintiff,

v.

**FIFTH GENERATION, INC.,  
d.b.a. TITO'S HANDMADE  
VODKA ,**

Defendant.

**Case No.:** 2:15-cv-00150-RFB-NJK

**STIPULATION AND [PROPOSED]  
ORDER FOR STAY OF ACTION  
(First Request)**

Plaintiff Marcus Grayson ("Grayson") and Defendant Fifth Generation, Inc. ("Tito's") by and through their undersigned counsel of record, hereby agree to seek an order **staying this action** pending resolution of *Plaintiff Gary Hofmann's Motion to Transfer Related Tito's Handmade Vodka Marketing and Sales Practices Litigation Actions to the Southern District of California for Coordinated*

*Pretrial Proceedings Pursuant to 28 U.S.C. § 1407* (“Motion to Transfer”), pending under filing Number 2634 and naming the instant action as an “associated case,” in *IN RE: Tito's Handmade Vodka Marketing and Sales Practices Litigation*.

In support of this Stipulation, the parties agree as follows.

The parties agree that if the Judicial Panel on Multidistrict Litigation (“JPML”) denies the Motion to Transfer, Plaintiff will have fourteen (14) days to respond to Defendant’s currently pending Motion to Dismiss or In The Alternative Motion for A More Definite Statement (Dkt. No. 6) (“Motion to Dismiss”). Defendant will thereafter have fourteen (14) days from Plaintiff’s response to file its Reply. If the JPML grants the Motion to Transfer, then these proceedings will be suspended pending further order of the JPML.

This Stipulation also suspends any discovery obligations between the parties, including, any Rule 26 conferences and deadlines under any scheduling orders. If the JPML denies the Motion to Transfer, the suspension provided by this Stipulation will continue until 30 days after the Court rules on the Motion to Dismiss. If the JPML grants the Motion to Transfer, then any discovery obligations and deadlines will also be suspended pending further order of the JPML and this Court. Otherwise, the Stipulation is not intended to affect any rights or obligations of the parties as to discovery. The parties also reserve their rights to object to or seek protection from discovery requests propounded to them and file a proposed protective order, should the need arise, pursuant to LR 16.1-3

and LR 16.1-4

Dated: April 14, 2015

BY: /s/ DANNY J. HOREN

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**ORDER**

IT IS SO ORDERED.

DATE: APRIL 21, 2015



RICHARD F. BOULWARE, II  
United States District Judge